

PATENT

I hereby certify that on the date specified below, this correspondence is being faxed to the Refund Branch, Accounting Division, Office of Finance, Commissioner for Patents, 571-273-6500.

March 28, 2007 Denise Sheridan
Date Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,520

Confirmation No. : 6540

Applicant : Joseph M. Jeddeloh

Filed : February 5, 2004

Attorney Docket No.: 33583/US

Art Unit : 2188

Customer No. : 27,076

Examiner : Duc T. Doan

Title : SYSTEM AND METHOD FOR ARBITRATION OF MEMORY RESPONSES IN A
HUB-BASED MEMORY SYSTEM (AS AMENDED)

REQUEST FOR REFUND

Refund Branch
Accounting Division
Office of Finance
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We request that the Patent and Trademark Office refund \$1020, which was paid on February 26, 2007. On January 5, 2007, Applicant learned of a Final Rejection dated and mailed on August 21, 2006. Applicant never received the Final Rejection. On January 19, 2007, Applicant filed a petition, with the required fee of \$130, to reset the response period. The petition was received on January 24, 2007.

The final response date for the Final Rejection was February 21, 2007. Since the petition had not been acted upon by the same date, Applicant filed his response with the Request for Continued Examination on February 21, 2007, along with the required extension fees of \$1020, to avoid abandonment of the application.

Two days later on February 23, 2007, the petition to reset the response date was granted. Therefore, Applicant respectfully requests that the extension fees of \$1020 be refunded by crediting Deposit Account No. 50-1266, referencing Docket No. 33583/US.

2

Enclosed for review is a copy of the return postcard, confirming our check was received by the Patent and Trademark Office, a copy of check number 016285 in the amount of \$1810 submitted on February 21, 2007, and a copy of the original Fee Transmittal Sheet. Also enclosed is a copy of the Decision on Petition.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

Enclosures:

Copy of Return Postcard
Copy of Check No. 016285
Copy of original Fee Transmittal Sheet
Copy of Decision of Petition

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
Tel: (206) 903-8800
Fax: (206) 903-8820

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Edward W. Bulchis
Dorsey & Whitney, L.L.P.
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101

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FEB 23 2007

Technology Center 2100

RECEIVED

FEB 26 2007

DORSEY & WHITNEY LLP

In re Application of: Joseph M. Jeddeloh
Application No. 10/773520
Attorney Docket No. 33583/US
Filed: February 5, 2004
For: Arbitration System Having a Packet
Memory and Method for Memory Responses
in a Hub-Based Memory System

DECISION ON PETITION**DOCKETED**April 24, 2007

This is a decision on the petition filed on January 24, 2007, requesting that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from the date on which the Office communication was actually received at the correspondence address of record.

The petition is **GRANTED**.

Applicable Prosecution History

Mar 29, 2006	First action on the merits mailed to address above
Jun 12, 2006	Amendment filed (Address on correspondence same as above)
Aug 21, 2006	Final rejection mailed to address above
Jan 5, 2007	Applicant downloaded action from PAIR
Jan 24, 2007	Instant Petition filed (Address on correspondence same as above) Certificate of Mailing sets date of Petition as Jan 19, 2007

RELIEF REQUESTED

The instant petition requests that the shortened statutory period for reply set forth in the Office communication (Final Rejection) mailed on August 21, 2006 be reset to run from Jan 5, 2007, the date on which the Office communication was actually received at the correspondence address of record.

Application SN10/773,520
Decision on Petition

OPINION

Petitioner asserts that the Office communication (Final Rejection) mailed on August 21, 2006 was not received by applicants, and states the following:

1. A substantial portion of the response period for response has elapsed on the date of receipt of action
2. Mr. Bulchis discovered on Jan. 5, 2007 that the office action (Final Rejection mailed Aug. 21, 2006) was entered in this application via the PAIR system
3. Upon discovery of the above office action, a search of the file jacket and the docket records was performed, and no entry for the office action was found.
4. Petitioner has attached a copy of pertinent mail log of incoming mail at the law firm, and a copy of the docket record for the instant application.

ANALYSIS

In the absence of any apparent irregularity associated with the mailing of a communication, the Office presumes that the communication was properly mailed to practitioner at the address of record. This presumption, however, may be overcome by showing that office action (Final Rejection mailed Aug. 21, 2006) was not in fact received at the address of record.

According to MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

- a) a statement from the practitioner that the Office action was not received,
- b) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates the Office communication was not received,
- c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed, and
- d) a reference to the docket record in the practitioner's statement.

The petition filed on January 24, 2007, is in compliance with the above-stated requirements.

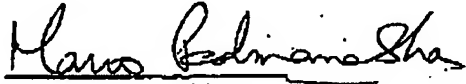
Petitioner provided a statement that the Office communication in question was received at the correspondence address of record on 05 January 2007. The petition was filed within two weeks of receipt of the Office communication. A substantial portion of the set reply period had elapsed on the date of receipt.

The Petition is GRANTED.

Accordingly, the shortened statutory period that was originally set forth in the Office communication originally mailed on 21 August 2006 is hereby reset to run FROM THE RECEIPT DATE OF 05 January 2007.

Application SN10/773,520
Decision on Petition

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-4210.



Mano Padmanabhan

Quality Assurance Specialist,
Technology Center 2100, Work Group 2180



2007 APR -2 Fri 4:59

FAX COVER SHEET

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

DATE: March 28, 2007		TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET) 9	
TO:	PTO Refund Branch, Accounting Division, Office of Finance, Commissioner for Patents	FAX #:	(571) 273-6500
FIRM NAME:		PHONE #:	(571)
<hr/>			
FROM:	Denise Sheridan	FAX #:	(206) 903-8820
PHONE #:	(206) 903-5455	EMAIL:	sheridan.denise@dorsey.com
RE:	Dorsey Docket No.: 33583/US	Dorsey Billing No.:	446602-2121

COMMENTS:**ATTACHED PLEASE FIND THE FOLLOWING:**

	<u>No. Pages</u>
Request for Refund	2
Copy of return postcard	1
Copy of check no. 016285	1
Copy of original fee transmittal sheet	1
Copy of Decision on Petition	3
Total Number of Pages (including cover sheet):	9

Original will not be sentORIGINAL WILL BE SENT VIA: ☐ MAIL ☐ E-MAIL ☐ MESSENGER ☐ AIR COURIER ☒ WILL NOT BE SENT

PLEASE CONTACT PHOEBE E. POGSON AT (206) 903-8785 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.

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33583/US
EWB:dms

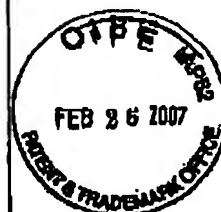
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT: February 21, 2007

DUE: February 21, 2007

Kindly acknowledge receipt of the below-listed documents by placing
your receiving stamp hereon and mailing.


Date Stamp



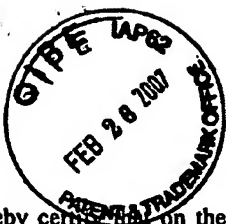
Check; Fee Transmittal Sheet (+ copy); Request for Continued Examination; Response
Under 37 C.F.R. § 1.116; IDS; Form PTO-1449 with (1) cited reference in re: Joseph M.
Jeddeloh, USAN 10/773,520, filed February 5, 2004, for SYSTEM AND METHOD FOR
ARBITRATION OF MEMORY RESPONSES IN A HUB-BASED MEMORY
SYSTEM (AS AMENDED).

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DORSEY & WHITNEY LLP

FEE TRANSMITTAL SHEET (FY 2006)		Complete If Known																																																																																																																																	
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<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP. <input checked="" type="checkbox"/> Check Enclosed.		3. ADDITIONAL FEES																																																																																																																																	
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Enclosed is a Petition filed under 37 CFR as indicated below: <input type="checkbox"/> Petition Fee under 37 CFR 1.17(f) Fee \$400 § 1.53(e) to accord a filing date. § 1.57(a) to accord a filing date. § 1.162 for decision on a question not provided for. § 1.163 to suspend the rules. § 1.376(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent. § 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term. <input type="checkbox"/> Petition Fee under 37 CFR 1.17(g) Fee \$200 § 1.12 for access to an assignment record. § 1.14 for access to an application. § 1.47 for filing by other than all inventors or person not the inventor. § 1.59 for expungement of information. § 1.103(a) to suspend action in an application. § 1.136(b) for review of a request for ext. of time when §1.136(a) not avail. § 1.265 for review of refusal to publish a statutory invention registration. § 1.296 to withdraw a req. for pub. after notice of intent to publish issued. § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent. § 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 5.12 for expedited handling of foreign filing license. § 5.15 for changing the scope of a license. § 1.626 for retroactive license. <input type="checkbox"/> Petition Fee under 37 CFR 1.17(h) Fee \$130 § 1.19(g) to request documents in a form other than provided in this part. § 1.64 for accepting color drawings or photographs. § 1.91 for entry of a model or exhibit. § 1.102(d) to make an application special. § 1.136(c) to expressly abandon an application to avoid publication. § 1.313 to withdraw an application from issue. § 1.314 to defer issuance of a patent.																																																																																																																																			
Submitted by:																																																																																																																																			
CUSTOMER NUMBER 27,076	DORSEY & WHITNEY LLP	1420 Fifth Avenue, Suite 3400 Seattle, WA 98101-4010 (206) 903-8800 phone / (206) 903-8820 fax																																																																																																																																	
Name: Edward W. Bulchis		Reg. No.: 26,847																																																																																																																																	
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**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE - EXAMINING GROUP 2100**

PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 21, 2007
Date

Denise Sheridan
Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,520 Confirmation No. : 6540
Applicant : Joseph M. Jeddeloh
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Art Unit : 2188 Customer No. : 27,076
Examiner : Duc T. Doan
Title : SYSTEM AND METHOD FOR ARBITRATION OF MEMORY RESPONSES IN A
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Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. § 1.116

Sir:

Applicant herewith petitions the Commissioner for Patents under 37 C.F.R. § 1.136(a)(3) for a 3-month extension of time for filing the response to the Office Action dated August 21, 2006, from November 21, 2006, to February 21, 2007. Submitted herewith is a check in the amount of \$1810, which includes \$1020 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-1266. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 11 of this paper.

02/27/2007 LWDNDIN1 00000038 10773520

02 FC:1253

1020.00 OP

Adjustment date: 04/23/2007 SDIRET01
02/27/2007 LWDNDIN1 00000038 10773520
02 FC:1253 -1020.00 OP

Repln. Ref: 04/23/2007 SDIRET01 0013115100
DAH:501266 Name/Number:10773520
FC: 9204 \$1020.00 CR